

Rept # 500693

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

04-60004

RICARDO MOORE,

Plaintiff,

v

CITY OF DETROIT, A Michigan municipal
corporation, CITY OF DETROIT POLICE
DEPARTMENT, and former CHIEF
JERRY OLIVER, jointly and severally,

Defendants.

CASE NO:

HON.:

Magistrate:

JUDGE MARIANNE O. BATTANI
Magistrate Majzoub

Wayne County Circuit Court

Case No. 03-337538 NZ

HON. ROBERT L. ZIOLKOWSKI

ISAIAH LIPSEY (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Road
Second Floor
Southfield, Michigan 48075
(248) 552-8787

KATHRYN NIEMER (P39239)
DARA M. CHENEVERT (P51283)
City of Detroit Law Department
Attorneys for Defendants
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
(313) 237-3041

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

04 JAN -8 P 3:25

FILED

NOTICE OF REMOVAL OF CIVIL ACTION

NOW COME Defendants, by and through their attorneys, Kathryn Niemer and Dara M. Chenevert, and pursuant to 28 USC §1331 and 1446(2) hereby give notice of removal of this action from the State of Michigan Circuit Court for the County of Wayne to Federal District Court and expressly reserving all questions other than that of removal, state the following in support of this removal:

1. There was commenced and is now pending in the State of Michigan Circuit Court

for the County of Wayne, a civil action designated as Case No. 03-337538 NZ, in which Ricardo Moore is named as the Plaintiff and the City of Detroit, the City of Detroit Police Department and former Chief of Police Jerry Oliver are named as Defendants. Copies of all process, pleadings, and orders in this matter are attached hereto.

2. Plaintiff filed his Complaint on November 12, 2003 and filed his Amended Complaint and Reliance on Jury Demand on November 20, 2003. A copy of all pleadings was served on Defendants by certified mail on December 22, 2003.¹

3. This Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446(b). Count I, Paragraphs 15 - 20 of Plaintiff's Amended Complaint explicitly reference a violation of Plaintiff's First Amendment rights pursuant to 42 U.S.C. § 1983. Count II, Paragraphs 21 - 25 of Plaintiff's Amended Complaint impliedly references a violation of Plaintiff's Fourteenth Amendment due process rights, also pursuant to 42 U.S.C. § 1983. Specifically, Plaintiff alleges that Defendants demoted, harassed and retaliated against Plaintiff for exercising his First Amendment right to free speech, under color of law.

4. Thus, Counts I and II of Plaintiff's Complaint purport to assert claims arising under federal law, which gives this Court original jurisdiction of this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(b).

5. Pursuant to 28 U.S.C. § 1441(a), a defendant may remove any claim over which the federal court has original jurisdiction and this Court exercises original jurisdiction over all claims arising under 42 U.S.C. § 1983.

6. Pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction to hear state claims that are pendent to the federal cause of action.

¹ The original Complaint filed on November 12, 2003 was served on December 22, 2003 together with the Amended Complaint filed on November 20, 2003.

7. The exercise of supplemental jurisdiction in this matter is warranted because (1) the federal claims have substance sufficient to confer subject matter jurisdiction on the court; (2) the state and federal claims derive from a common nucleus of operative fact; and (3) the Plaintiff's claims are such that he would ordinarily be expected to try them all in one judicial proceeding.

8. Plaintiff's state law claims do not represent claims separate and independent of the federal claim of a violation of 42 U.S.C. §1983.

9. Plaintiff's state law claims do not "substantially predominate" over his federal causes of action, but rather derive and flow directly from them.

10. This action can be removed in its entirety. Specifically, Defendants request that, in addition to exercising federal question jurisdiction over the federal claims, this Court also exercise supplemental jurisdiction over the remaining claims, pursuant to 28 U.S.C. § 1441(c), since those claims are so related to the federal claims that they form part of the same case or controversy. All of Plaintiff's claims not only arise out of a common nucleus of operative fact, they arise out of the exact same factual circumstances, such that Plaintiff would ordinarily be expected to try them all in one proceeding. *United Mine Workers v. Gibbs*, 383 U.S. 715, 717; 86 S.Ct. 1130, 16 L.Ed.2d 218 (1966).

11. Written notice of the filing of this Notice of Removal is being serviced on Plaintiff's counsel this date.

12. A copy of this Notice of Removal is being filed with the State of Michigan Circuit Court of the County of Wayne this date.

WHEREFORE the above named Defendants remove this action to this court.

Respectfully submitted,

CITY OF DETROIT LAW DEPARTMENT

By: 

/Kathryn Niemer (P39239)

Dara M. Chenevert (P51283)

Attorneys for Defendant

660 Woodward Avenue, Suite 1650

Detroit, Michigan 48226

(313) 237-3041

Dated: January 8, 2004

CITY OF DETROIT LAW DEPARTMENT 1650 FIRST NATIONAL BUILDING DETROIT MI 48226



**SUMMONS AND
RETURN OF SERVICE**

CASE NO. 03-337538 NZ
COURT
TELEPHONE NO. (313) 224- 2345

COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

THIS CASE ASSIGNED TO JUDGE: ROBERT L ZIOLKOWSKI

Bar Number: 22745

PLAINTIFF

DEFENDANT

MOORE RICARDO

PL 01 VS DETROIT POLICE DEPARTMENT

DF 003

PLAINTIFF'S ATTORNEY

ISAIAH LIPSEY
(P-57361)
17000 W 10 MILE RD FL 2
SOUTHFIELD, MI 48075-2945
248-552-8787

CASE FILING FEE
PAID

JURY FEE

PAID

ISSUED

11/12/03

THIS SUMMONS EXPIRES

02/11/04

DEPUTY COUNTY CLERK

LISA J HOWARD

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

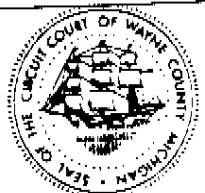
The action ☐ remains ☐ is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

12/16/2003

Signature of attorney/plaintiff



COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

RICARDO MOORE,

Plaintiff,

v.

**CITY OF DETROIT, a municipality,
CITY OF DETROIT POLICE DEPARTMENT,
and former CHIEF JERRY OLIVER,
jointly and severally,**

Defendant.

**LAW OFFICES OF ISAIAH LIPSEY
Isaiah Lipsey (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Road, 2nd Floor
Southfield, MI 48075
(248) 552-8787**

BY _____
03-337538-NZ 11/12/2003
JDG: ROBERT L ZIOLKOWSKI
MOORE RICARDO
VS
DETROIT CITY OF

**AMENDED COMPLAINT AND
RELiance ON JURY DEMAND**

Plaintiff, Ricardo Moore, by and through his attorney, Isaiah Lipsey, and for his Complaint in the above-named matter, states as follows:

1. Plaintiff, Ricardo Moore (hereinafter "Plaintiff:"), at all times relevant to this Complaint, was a resident of the City of Detroit, County of Wayne, State of Michigan.

2. Defendant, City of Detroit, is a municipality located in the County of Wayne, State of Michigan.
3. Defendant, City of Detroit Police Department is a law enforcement entity established and operating under the laws of the State of Michigan and is authorized to do business in the State of Michigan.
4. On information and belief, Defendant, former Police Chief Jerry Oliver, was at all times relevant to this Complaint, a resident of the County of Wayne, State of Michigan, operating under color of law as the Chief of Police for the City of Detroit.
5. Defendant Jerry Oliver's illegal actions against Ricardo Moore occurred within the course of Moore's employment with the City and was in the scope of Mr. Oliver's authority.
6. At all relevant times, Ricardo Moore was a policeman and/or spokesman for the police department since 1995.
7. That all events, transactions and occurrences relevant hereto transpired within the County of Wayne.
8. That the amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000) Dollars.
9. That the defendants did during the course of Plaintiff's employment take unjustified, unprivileged, uncontested and unlawful actions

with the Plaintiff while acting under the color of law, and within the scope of their authority on or about November 26, 2002.

10. Ricardo Moore was retaliated against, in violation of his First Amendment rights when he publicly stated that the "Chief must work with the unions regarding the promotions of police officers."
11. That after this statement, Plaintiff was demoted from his position as Press Spokesman for the Police Department, transferred to the midnight shift patrol, forced to undergo psychiatric counseling and otherwise harassed by the former Chief of Police Jerry Oliver.
12. As a result of defendants' actions, Ricardo Moore experienced and continues to experience pain and suffering, including but not limited to mental anguish, fright, shock, undue stress, depression, anxiety, memory loss, humiliation and embarrassment.
13. That Plaintiff's First Amendment freedom of speech, freedom of expression, right to association, and freedom of liberty has been and is currently being unlawfully restrained by Defendants and defendants' agents.
14. That Defendants' acts and/or omissions taken individually and/or in their totality were at all times intentional, willful, wanton, reckless, malicious, and/or grossly unconstitutional.

COUNT I

FIRST AMENDMENT VIOLATIONS
AND FIRST AMENDMENT RETALIATION
ALL DEFENDANTS

15. Plaintiff realleges and reincorporates by reference each allegation as set forth in paragraphs 1 through 14 as though more fully stated herein.
16. That the intentional and unlawful actions of Defendants placed Plaintiff in immediate and well founded fear of job loss, demotion, mental stress and anguish, and imminent bodily injury, coupled with Defendants' present ability to carry out the intentional and willful acts which Plaintiff could not prevent and that emotional and physical bodily injury did result from the intentional and lawful actions of Defendants.
17. That the actions of the Defendants were unjustified, malicious, and in bad faith.
18. That Plaintiff was denied his freedom of speech by the Chief of Police and City of Detroit Police Department when he stated "The Chief must work with the unions" on or about November 26, 2002.
19. That Plaintiff was retaliated against by exercising his First Amendment rights.

20. That as a direct and proximate result of the above-mentioned actions of Defendants, Plaintiff suffered injuries and damages, including but not limited to, serious and lasting mental injuries to his body, mental anguish, pain and suffering, loss of wages, loss of enjoyment of life, humiliation, degradation, loss of memory, aggravation of pre-existing conditions known and unknown and incurred medical expenses, all in the present and future.

WHEREFORE, Plaintiff, Ricardo Moore, respectfully requests that this court enter judgment against the Defendants in excess of Twenty Five Thousand (\$25,000) Dollars, together with interests, costs and attorney fees.

COUNT II

SECTION 1983 - COLOR OF LAW

21. Plaintiff realleges and reincorporates by reference allegations set forth in paragraphs 1 through 19 as though more fully stated herein.
22. That Defendants' actions against the Plaintiff were taken under the color of law.
23. That Plaintiff was demoted, harassed and retaliated against by the Defendants under the color of law by stating that the "Chief must work with the unions" on or about November 26, 2002.
24. Plaintiff, Ricardo Moore, was at all times, acting in a lawful manner and in the best interest of the City of Detroit Police Department.

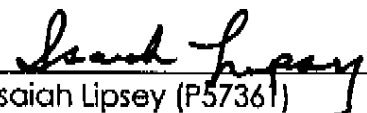
25. That as a direct and proximate result of the aforementioned wrongful conduct of Defendants, Plaintiff suffered injuries and damages, including but not limited to, serious and lasting mental and physical injuries to his body, mental anguish, pain and suffering, loss of wages, loss of enjoyment of life, humiliation, degradation, loss of memory, aggravation of pre-existing conditions, known and unknown, and has incurred medical expenses, all present and future.

WHEREFORE, Plaintiff, Ricardo Moore, respectfully requests that this court enter judgment against the Defendants in excess of Twenty Five Thousand (\$25,000) Dollars, together with interests, costs and attorney fees.

RELIANCE ON JURY DEMAND

Plaintiff relies on the demand for a trial by jury previously submitted.

Respectfully submitted,

By: 
Isaiah Lipsey (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Rd, 2nd Fl
Southfield, MI 48075
(248) 552-8787

Dated: November 19, 2003

JURY FEE PAID

FILED DATE:

NOV 12 2003

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

RICARDO MOORE,

Plaintiff,

Case No. 03- - NZ

v.

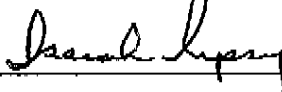
Hon.

**CITY OF DETROIT, a municipality,
CITY OF DETROIT POLICE DEPARTMENT,
and former CHIEF JERRY OLIVER,
jointly and severally,**

Defendant.

**LAW OFFICES OF ISAIAH LIPSEY
Isaiah Lipsey (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Road, 2nd Floor
Southfield, MI 48075
(248) 552-8787**

There is no other pending civil or resolved action arising out of the same transaction or occurrence as alleged in this complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a Judge. MCR 2.113(c)(2)(a).



Isaiah Lipsey

COMPLAINT AND JURY DEMAND

Plaintiff, Ricardo Moore, by and through his attorney, Isaiah Lipsey, and for his Complaint in the above-named matter, states as follows:

1. Plaintiff, Ricardo Moore (hereinafter "Plaintiff:"), at all times relevant to this Complaint, was a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Defendant, City of Detroit, is a municipality located in the County of Wayne, State of Michigan.
3. Defendant, City of Detroit Police Department is a law enforcement entity established and operating under the laws of the State of Michigan and is authorized to do business in the State of Michigan.
4. On information and belief, Defendant, former Police Chief Jerry Oliver, was at all times relevant to this Complaint, a resident of the County of Wayne, State of Michigan, operating under color of law as the Chief of Police for the City of Detroit.
5. Defendant Jerry Oliver's illegal actions against Ricardo Moore occurred within the course of his employment with the City and was in the scope of Mr. Oliver's authority.
6. That all events, transactions and occurrences relevant hereto transpired within the County of Wayne.
7. That the amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000) Dollars.

8. That the defendants did during the course of Plaintiff's employment take unjustified, unprivileged, uncontested and unlawful actions with the Plaintiff while acting under the color of law, and within the scope of their authority.
9. Ricardo Moore was retaliated against, in violation of his First Amendment rights when he publicly stated that the "Chief must work with the unions regarding the promotions of police officers."
10. That after this statement, Plaintiff was demoted from his position as Press Spokesman for the Police Department, transferred to the midnight shift patrol, forced to undergo psychiatric counseling and otherwise harassed by the former Chief of Police Jerry Oliver.
11. As a result of defendants' actions, Ricardo Moore experienced and continues to experience pain and suffering, including but not limited to mental anguish, fright, shock, undue stress, depression, anxiety, memory loss, humiliation and embarrassment.
12. That Plaintiff's First Amendment freedom of speech, freedom of expression, right to association, and freedom of liberty has been and is currently being unlawfully restrained by Defendants and defendants' agents.

13. That Defendants' acts and/or omissions taken individually and/or in their totality were at all times intentional, willful, wanton, reckless, malicious, and/or grossly unconstitutional.

COUNT I

FIRST AMENDMENT VIOLATIONS
AND FIRST AMENDMENT RETALIATION
ALL DEFENDANTS

14. Plaintiff realleges and reincorporates by reference each allegation as set forth in paragraphs 1 through 13 as though more fully stated herein.
15. That the intentional and unlawful actions of Defendants placed Plaintiff in immediate and well founded fear of job loss, demotion, mental stress and anguish, and imminent bodily injury, coupled with Defendants' present ability to carry out the intentional and willful acts which Plaintiff could not prevent and that emotional and physical bodily injury did result from the intentional and lawful actions of Defendants.
16. That the actions of the Defendants were unjustified, malicious, and in bad faith.
17. That Plaintiff was denied his freedom of speech by the Chief of Police and City of Detroit Police Department when he stated "The Chief must work with the unions."

18. That Plaintiff was retaliated against by exercising his First Amendment rights.
19. That as a direct and proximate result of the above-mentioned actions of Defendants, Plaintiff suffered injuries and damages, including but not limited to, serious and lasting mental injuries to his body, mental anguish, pain and suffering, loss of wages, loss of enjoyment of life, humiliation, degradation, loss of memory, aggravation of pre-existing conditions known and unknown and incurred medical expenses, all in the present and future.

WHEREFORE, Plaintiff, Ricardo Moore, respectfully requests that this court enter judgment against the Defendants in excess of Twenty Five Thousand (\$25,000) Dollars, together with interests, costs and attorney fees.

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21. That Defendants' actions against the Plaintiff were taken under the color of law.
22. That Plaintiff was demoted, harassed and retaliated against by the Defendants under the color of law by stating that the "Chief must work with the unions."

23. Plaintiff, Ricardo Moore, was at all times, acting in a lawful manner and in the best interest of the City of Detroit Police Department.
24. That as a direct and proximate result of the aforementioned wrongful conduct of Defendants, Plaintiff suffered injuries and damages, including but not limited to, serious and lasting mental and physical injuries to his body, mental anguish, pain and suffering, loss of wages, loss of enjoyment of life, humiliation, degradation, loss of memory, aggravation of pre-existing conditions, known and unknown, and has incurred medical expenses, all present and future.


WHEREFORE, Plaintiff, Ricardo Moore, respectfully requests that this court enter judgment against the Defendants in excess of Twenty Five Thousand (\$25,000) Dollars, together with interests, costs and attorney fees.

JURY DEMAND

Plaintiff hereby demands a Trial by Jury.

Respectfully submitted,

By:


Isaiah Lipsey (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Rd, 2nd Fl
Southfield, MI 48075
(248) 552-8787

Dated: November 11, 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICARDO MOORE,
Plaintiff,

CASE NO:
HON.:
Magistrate:

-vs-

CITY OF DETROIT, A Michigan municipal
corporation, CITY OF DETROIT POLICE
DEPARTMENT, and former CHIEF
JERRY OLIVER, jointly and severally,
Defendants.

Wayne County Circuit Court
Case No. 03-337538 NZ
HON. ROBERT L. ZIOLKOWSKI

ISAIAH LIPSEY (P57361)
Attorney for Plaintiff
17000 W. Ten Mile Road
Second Floor
Southfield, Michigan 48075
(248) 552-8787

KATHRYN NIEMER (P39239)
DARA M. CHENEVERT (P51283)
City of Detroit Law Department
Attorneys for Defendants
660 Woodward Avenue, Suite 1650
Detroit, Michigan 48226
(313) 237-3041

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

Myria Winkler being first duly sworn, deposes and says that she is employed by the City of Detroit; that on January 8, 2004, she served the following: NOTICE OF REMOVAL OF ACTION TO U.S. DISTRICT COURT, NOTICE OF REMOVAL OF CIVIL ACTION, NOTICE OF APPEARANCE AND APPEARANCE OF COUNSEL, ANSWER TO AMENDED COMPLAINT, DEFENDANTS' SPECIAL AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT, RELIANCE ON DEMAND FOR JURY TRIAL, AND A PROOF OF SERVICE on: ISAIAH LIPSEY (P57361), Attorney for Plaintiff, 17000 W. Ten Mile Road, Second Floor, Southfield, Michigan 48075, by placing the same in an envelope addressed as above and properly stamped with first-class postage fully prepaid and depositing said envelope in a mail receptacle maintained by the United States government in the First National Building, Detroit, Michigan.

Myria Winkler
Myria Winkler

Subscribed and sworn to before me
this 8th day of January 2004.

Kimberly S. Hall
Notary Public

Wayne County, MI

My Commission expires: 1-13-2006

CITY OF DETROIT LAW DEPARTMENT 1650 FIRST NATIONAL BUILDING DETROIT MI 48226

FILED
JAN -8 P 3:25
COURT CLERK
EAST MICH.

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE Wayne

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS
RICARDO MOORE

60004

Battani/Majz

DEFENDANTS
CITY OF DETROIT
CITY OF DETROIT POLICE DEPARTMENT
FORMER CHIEF JERRY OLIVER

04-60004

(b) County of Residence of First Listed: Wayne

26163

County of Residence of First Listed Wayne
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorneys (Name, Address and Telephone Number)
ISAIAH LIPSEY P57361
17000 W. Ten Mile Road, Second Floor
Southfield MI 48075
(248) 552-8787

Attorneys (If Known)
Dara M. Chenevert (P)
City of Detroit Law Department
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
(313) 237-5083
JUDGE MARIANNE O. BATTANI
Magistrate Majzoub

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 2 ☐ 3
Citizen of Another ☐ 4 ☐ 5
Citizen or Subject of Foreign Country ☐ 6 ☐ 7
Incorporated or Principal of Business In This State ☐ 8
Incorporated or Principal of Business In Another State ☐ 9
Foreign Nation ☐ 10

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Med. Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 402 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 610 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC Sec. 1983

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

\$ DEMAND
25,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

X

Dara M. Chenevert

1/8/2004

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes:
